

**SENATE JOURNAL
62ND LEGISLATURE
SEVENTIETH LEGISLATIVE DAY**

Helena, Montana
March 29, 2011

Senate Chambers
State Capitol

Senate convened at 12:00 p.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present. Quorum present.

BILLS AND JOURNALS:

3/29/2011

Correctly printed: **SB 265, SB 414, SB 418, SB 421, SB 426, SB 429, HB 458.**

Correctly engrossed: **SB 214, SB 331, SB 428.**

President Peterson publically requested the Budget Director to deliver fiscal notes to the Senate by the end of the day for the following bills: **SB 423, SB 326, SB 428, and SB 426.**

Senator Gallus noted the fiscal notes should have been included before the standing committee report was read across the rostrum.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 358 passed as follows:

Yeas: Augare, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Moss, Mowbray, Murphy, Olson, Shockley, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 35

Nays: Arthun, Balyeat, Brenden, Essmann, Facey, Hinkle, Lewis, Moore, Priest, Ripley, Sonju, Steinbeisser, Stewart-Peregoy, Walker, Wittich.

Total 15

Absent or not voting: None.

Total 0

Excused: None.

Total 0

REPORTS OF STANDING COMMITTEES

STATE ADMINISTRATION (Shockley, Chairman):

3/29/2011

SJR 24, do pass. Report adopted.

HB 66, be concurred in. Report adopted.

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HB 122, be amended as follows:

1. Page 3, line 7.

Following: "compensation;"

Insert: "and"

2. Page 3, line 8.

Following: "act]"

Strike: "."

3. Page 3, line 9.

Strike: "(A)" through "2012"

4. Page 3, line 9 through line 10.

Strike: "; and" through "compensation"

5. Page 7, line 28.

Strike: "For"

Insert: "Until October 1, 2011, for"

6. Page 7, line 29.

Following: "amount of"

Insert: "the early"

7. Page 8, line 11 through page 12.

Strike: subsection (c) in its entirety

8. Page 8.

Following: line 12

Insert: "(2) Beginning October 1, 2011, for a member hired prior to [the effective date of this act], the amount of retirement benefit payable following early retirement is the actuarial equivalent of the accrued portion of the service retirement benefit that would have been payable to the member commencing at age 60 or upon completion of 30 years of membership service pursuant to 19-3-904(1), with the exception that the benefit must be reduced using actuarially equivalent factors based on the most recent valuation of the system."

9. Page 8, line 13.

Strike: "(2) (a)"

Insert: "(3)"

Following: "amount of"

Insert: "the early"

10. Page 8, line 15.

Following: "19-3-904(2)"

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Strike: ". "

Insert: ", "

11. Page 8, line 16.

Strike: "(b)" through "19-3-904(2),"

12. Page 8, line 17 through line 22.

Strike: "as follows" on line 17 through "65" on line 22

Insert: "using actuarially equivalent factors based on the most recent valuation of the system"

13. Page 8.

Following: line 22

Insert: "(4) The actuarial reduction provided for in this section must be adjusted for any one-for-five service purchased under 19-3-513."

14. Page 10, line 23.

Following: "limits"

Insert: "-- reporting obligations -- liability"

15. Page 11, line 8.

Following: "(3)"

Insert: "(a)"

16. Page 11.

Following: line 11

Insert: "(b) An employer that fails to timely or accurately report the employment of, time worked by, or compensation paid to a retired member as required under subsection (3)(a) is jointly and severally liable with the retired member for repayment to the retirement system of retirement benefits paid to which the member was not entitled, plus interest."

17. Page 11.

Following: line 17

Insert: "(6) Except as provided in subsection (5), if a retired member is employed by an employer in a position that is reportable to the retirement system and the retired member is concurrently working for the employer in another position that is not reportable to the system, the position that is not reportable is considered to be part of the position that is reportable to the retirement system. All earnings of the retired member that are generated by these positions are reportable to the retirement system."

Renumber: subsequent subsection

18. Page 12, line 7.

Following: "19-3-906"

Strike: "(2)"

Insert: "(3)"

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And, as amended, be concurred in. Report adopted.

HB 330, be concurred in. Report adopted.

HB 414, be amended as follows:

1. Page 1, line 18 through line 19.

Strike: "if" on line 18 through "constitution" on line 19"

2. Page 3, line 2 through line 4.

Strike: "or to limit" on line 2 through "government" on line 4

And, as amended, be concurred in. Report adopted.

HB 483, be amended as follows:

1. Title, page 1, line 5.

Strike: "AND COMMUNITY GROUPS"

Following: "IN"

Insert: "ISSUE AND"

2. Title, page 1, line 6 through line 7.

Strike: "FREEDOM" on line 6 through "EXPRESSION" on line 7

Insert: "THE FREE EXERCISE OF RELIGION AS GUARANTEED BY THE FIRST AMENDMENT
OF THE UNITED STATES CONSTITUTION AND ARTICLE II, SECTION 5, OF THE
MONTANA CONSTITUTION"

3. Title, page 1, line 9.

Following: "IN"

Insert: "ISSUE AND"

4. Title, page 1, line 10.

Strike: "2-2-121,"

Following: "13-1-101"

Strike: ","

Insert: "AND"

Following: "13-37-226,"

Strike: "AND 13-37-228,"

5. Page 2, line 4.

Strike: "."

Insert: "; and

WHEREAS, Article II, section 5, of the Montana Constitution and the First Amendment to the United States Constitution prohibit the state and Congress from making a law that prohibits the free exercise of religion."

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6. Page 2, line 8 through page 4, line 16.

Strike: section 1 in its entirety

Renumber: subsequent sections

7. Page 5, line 1 through line 4.

Strike: subsection (6) in its entirety

Renumber: subsequent subsections

8. Page 5, line 29 through line 30.

Strike: subsection (iii) in its entirety

Insert: "(iii) the cost of any communication by a bona fide church relating to an issue or ballot issue that is made in the normal course of exercising its freedom of religious expression;"

9. Page 6, line 14.

Strike: "(8)"

Insert: "(7)"

10. Page 6, line 19 through line 20.

Strike: subsection (iv) in its entirety

Insert: "(iv) the cost of any communication by a bona fide church relating to an issue or ballot issue that is made in the normal course of exercising its freedom of religious expression; or"

11. Page 7, line 18 through line 19.

Strike: subsection (21) in its entirety

Renumber: subsequent subsections

12. Page 7, line 22.

Strike: "(7)"

Insert: "(6)"

13. Page 7, line 25.

Strike: "(a)"

14. Page 7, line 27.

Strike: "(i)"

Insert: "(a)"

Renumber: subsequent subsections

15. Page 7, line 29.

Following: line 29

Insert: "(b) to support or oppose a ballot issue or a committee organized to support or oppose a ballot issue; or"

Renumber: subsequent subsections

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16. Page 7, line 30 through page 8, line 1.

Strike: "to support" through "committee"

17. Page 9, line 6 through page 11, line 6.

Strike: section 3 in its entirety

Insert: "**Section 2.** Section 13-37-226, MCA, is amended to read:

"13-37-226. Time for filing reports -- rulemaking. (1) Candidates for a state office filled by a statewide vote of all the electors of Montana and political committees that are organized to support or oppose a particular statewide candidate shall file reports electronically as follows:

(a) quarterly, due on the fifth day following a calendar quarter, beginning with the calendar quarter in which funds are received or expended during the year or years prior to the election year that the candidate expects to be on the ballot;

(b) on the 10th day of March, April, July, August, and September;

(c) on the 15th and 5th days preceding the date on which an election is held;

(d) within 24 hours after receiving a contribution of \$200 or more if received between the 10th day before the election and the day of the election;

(e) not more than 20 days after the date of the election; and

(f) on the 10th day of March and September of each year following an election until the candidate or political committee files a closing report as specified in 13-37-228(3).

(2) Political committees organized to support or oppose a particular statewide ballot issue shall file reports:

(a) quarterly, due on the fifth day following a calendar quarter, beginning with the calendar quarter in which the text of the proposed ballot issue is submitted for review and approval pursuant to 13-27-202 during the year or years prior to the election year that an issue is or is expected to be on the ballot;

(b) on the 10th day of March and on the 10th day of each subsequent month through September in each year that an election is to be held;

(c) on the 15th and 5th days preceding the date on which an election is held;

(d) within 24 hours after receiving a contribution of \$500 or more if received between the 10th day before the election and the day of the election;

(e) within 20 days after the election; and

(f) on the 10th day of March and September of each year following an election until the political committee files a closing report as specified in 13-37-228(3).

(3) Candidates for a state district office, including but not limited to candidates for the legislature, the public service commission, or a district court judge, and political committees that are specifically organized to support or oppose a particular state district candidate or issue shall file reports:

(a) on the 12th day preceding the date on which an election is held;

(b) within 48 hours after receiving a contribution of \$100 or more if received between the 17th day before the election and the day of the election. The report under this subsection (3)(b) must be made by mail or by electronic communication to the commissioner and the election administrator of the appropriate county pursuant to 13-37-225.

(c) not more than 20 days after the date of the election; and

(d) whenever a candidate or political committee files a closing report as specified in 13-37-228(3).

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(4) Candidates for any other public office and political committees that are specifically organized to support or oppose a particular local issue shall file the reports specified in subsection (3) only if the total amount of contributions received or the total amount of funds expended for all elections in a campaign, excluding the filing fee paid by the candidate, exceeds \$500, except as provided in 13-37-206.

(5) For the purposes of this subsection, a committee that is not specifically organized to support or oppose a particular candidate or ballot issue and that receives contributions and makes expenditures in conjunction with an election is an independent committee. For the purpose of reporting, a political party committee is an independent committee. An independent committee shall file:

(a) a report on the 12th day preceding the date of an election in which it participates by making an expenditure;

(b) a report within 24 hours of making an expenditure or incurring a debt or obligation of \$500 or more for election material described in 13-35-225(1) if made between the 17th day before the election and the day of the election;

(c) a report not more than 20 days after the date of the election in which it participates by making an expenditure; and

(d) a report on a date to be prescribed by the commissioner for a closing report at the close of each calendar year.

(6) The commissioner may promulgate rules regarding the extent to which organizations that are incidental political committees shall report their politically related activities in accordance with this chapter, except that the commissioner may not promulgate rules to require reporting of contributions or expenditures that are incidental to supporting or opposing a ballot issue or political committee that conflict with the exemptions in 13-1-101(7) and (11) or that are otherwise reported by another political committee.

(7) Except as provided in subsections (1)(d), (2)(d), (3)(b), and (5)(b), all reports required by this section must be complete as of the fifth day before the date of filing as specified in 13-37-228(2) and this section.""

18. Page 11, line 8 through page 12, line 10.

Strike: section 4 and 5 in their entirety

19. Page 12, line 12.

Strike: "Membership"

Insert: "Certain exemptions"

20. Page 12, line 14.

Strike: ""membership"" through "(12)(b)(v)"

Insert: "the exemptions provided in 13-1-101(7)(b)(iii) and (11)(b)(iv)"

21. Page 12, line 16.

Strike: "[Sections 5 and 6] are"

Insert: "[Section 3] is"

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22. Page 12, line 18.

Strike: "[sections 5 and 6]"

Insert: "[section 3]"

And, as amended, be concurred in. Report adopted.

HB 491, be concurred in. Report adopted.

HB 530, be amended as follows:

1. Page 2, line 30.

Following: line 30

Insert: "COORDINATION SECTION. Section 2. Coordination instruction. If both House Bill No. 99 and [this act] are passed and approved, then the sections amending 13-13-241 are void and 13-13-241 must be amended as follows:

"13-13-241. Examination of absentee ballot return envelopes -- deposit of absentee and unvoted ballots -- rulemaking. (1) (a) ~~After an absentee ballot is received~~ Upon receipt of each absentee ballot signature envelope, an election administrator shall compare the signature of the elector or elector's agent on the absentee ballot request with the signature on the ~~absentee ballot~~ return envelope.

(b) If the elector is legally registered and the signature on the return envelope matches the signature on the absentee ballot application, the election administrator or an election judge shall handle the ballot as a regular ballot.

(c) (i) If the elector is provisionally registered and the signature on the return envelope matches the signature on the absentee ballot application, the election administrator or an election judge shall open the outer return envelope and determine whether the elector's voter identification and eligibility information, if enclosed pursuant to 13-13-201, is sufficient pursuant to rules adopted under 13-2-109 to legally register the elector.

(ii) If the voter identification and eligibility information is sufficient to legally register the elector, the ballot must be handled as a regular ballot.

(iii) If voter identification or eligibility information was not enclosed or the information enclosed is insufficient to legally register the elector, the ballot must be handled as a provisional ballot under 13-15-107.

(2) If a voted absentee ballot has not been placed in a secrecy envelope, the election administrator shall place the ballot in a secrecy envelope without examining the ballot.

(3) In a primary election, unvoted party ballots must be separated from the secrecy envelopes and handled without being removed from their enclosure envelopes.

(4) If an elector's ballot is to be handled as a provisional ballot, the election administrator shall notify the absentee elector ~~by mail or by the most expedient method available under rules adopted by the secretary of state that the elector's identification or eligibility information was insufficient and that the elector's ballot will be treated as a provisional ballot until the elector provides sufficient information, pursuant to rules adopted by the secretary of state. If the elector is notified by mail, the election administrator shall provide a self-addressed return envelope along with a description of the information necessary for the absentee elector to reclassify the provisional ballot as a regular ballot as provided in [section 7 of House Bill No. 99].~~

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(5) If the signature on the absentee ballot return envelope does not match the signature on the absentee ballot request form or if there is no signature on the absentee ballot return envelope, the election administrator shall notify the elector, ~~either by first-class mail or the most expedient method available under rules adopted by the secretary of state~~, and inform the elector that the elector may verify the signature, after proof of identification, by mail or in person at the election administrator's office prior to 8 p.m. on election day.

~~_____ (6) The elector may verify the signature by affirming that the signature is in fact the elector's or by completing a new registration card containing the elector's current signature or by filing a new agent designation form.~~

~~_____ (7) If an elector notified pursuant to subsection (5) fails to verify the signature before 8 p.m. on election day, the ballot must be handled as a provisional ballot under 13-15-107 as provided in [section 7 of House Bill No. 99].~~

(6) If at any point there is a question concerning the validity of a particular ballot, the question must be resolved as provided in [section 7 of House Bill No. 99].

~~(8)(7) (a) After receiving an absentee ballot secrecy envelope, without opening the secrecy envelope, the election judges shall on election day place the secrecy envelope in the proper ballot box and if the validity of the ballot is confirmed pursuant to [section 7 of House Bill No. 99], then, no sooner than 1 business day before election day, the election official may, in the presence of a poll watcher, open the secrecy envelope and place the ballot in the proper, secured ballot box until tabulation occurs on election day.~~

(b) The secretary of state shall develop administrative rules to establish the process and procedures to be used during the early preparation of ballots to ensure the security of the ballots and the secrecy of the votes during the early preparation period. The rules must include but are not limited to:

_____ (i) the allowable distance from the observers to the judges and ballots;

_____ (ii) the security in the observation area;

_____ (iii) secrecy of votes during the preparation of the ballots; and

_____ (iv) security of the secured ballot boxes in storage until tabulation procedures begin on election day."

And, as amended, be concurred in. Report adopted.

HB 543, be amended as follows:

1. Page 2, line 8.

Following: "LINK TO THE"

Insert: "source of the"

And, as amended, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

3/28/2011

HB 14, introduced by Menahan

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HB 175, introduced by Regier
HB 363, introduced by Cuffe
HB 445, introduced by C. Smith
HB 463, introduced by Reichner
HB 477, introduced by Hollandsworth
HB 495, introduced by Cook
HB 518, introduced by Hunter
HB 560, introduced by Arntzen
HB 561, introduced by Arntzen
HB 562, introduced by Arntzen
HB 577, introduced by Stahl
HB 604, introduced by Cook
HB 607, introduced by Welborn
HB 609, introduced by MacLaren
HB 612, introduced by Roberts
HB 614, introduced by Miller
HB 618, introduced by Pease-Lopez
HB 622, introduced by Ankney
HB 631, introduced by Menahan
HB 632, introduced by Taylor
HB 633, introduced by Esp
HB 638, introduced by Howard

MOTIONS

Senator Gillan requested insight as to why the House of Representatives would have acted on a revenue estimate bill and then referred the bill back to committee. President Peterson stated he would investigate the matter.

FIRST READING AND COMMITMENT OF BILLS

The following Senate resolutions were introduced, read first time, and referred to committees:

SR 5, introduced by Olson, referred to Energy and Telecommunications.
SR 6, introduced by Shockley, referred to State Administration.
SR 7, introduced by Barrett, referred to Natural Resources.
SR 8, introduced by Barrett, referred to Natural Resources.
SR 9, introduced by Barrett, referred to Natural Resources.
SR 10, introduced by Barrett, referred to Natural Resources.
SR 11, introduced by Barrett, referred to Natural Resources.
SR 12, introduced by Barrett, referred to Natural Resources.

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**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Sonju in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 397 - Senator Essmann moved consideration of **SB 397** be placed at the bottom of the second reading board. Motion carried.

SB 187 - Senator Kaufmann moved consideration of **SB 187** be placed below SB 157 on the second reading board. Motion carried.

SB 406 - Senator Essmann moved **SB 406** do pass.

SB 406 - Senator Branae moved **SB 406**, second reading copy, be amended as follows:

1. Title, line 7 through line 8.

Strike: "ALLOWING" on line 7 through "UNSUCCESSFUL;" on line 8

2. Page 2, line 3.

Following: "successful,"

Insert: "the department must, after 30 days' notice published on the department's website, hold a public hearing relating to equalization of the agreed-to value in relation to other properties in the class and to properties in other classes. Based upon comments at the public hearing, the parties may modify the agreement or either party may request the reopening of the mediation to further consider the matter. If after the hearing no change in the agreement is warranted,"

3. Page 2, line 7 through line 10.

Strike: "or the" on line 7 through "district" on line 10

4. Page 10, line 9.

Strike: "elect" through "court or"

Amendment **not** adopted as follows:

Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.

Total 22

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju,

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Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.

Total 28

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 406 - Thereupon, the Senate reverted to the original motion of Senator Essmann which passed as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hamlett, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.

Total 29

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.

Total 21

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 157 - Senator Van Dyk moved **SB 157** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 46

Nays: Brenden, Hinkle, Walker, Wittich.

Total 4

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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SB 187 - Senator Shockley moved **SB 187** do pass.

SB 187 - Senator Shockley moved **SB 187**, second reading copy, be amended as follows:

1. Page 4, line 2.

Following: "appeal"

Insert: "if the appeal is unsuccessful"

2. Page 5, line 11 through line 15.

Strike: subsection (8) in its entirety

Insert: "(8) If the offender is under state supervision, payment of costs of counsel is a condition of any probation or parole."

Amendment adopted as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Windy Boy, Wittich, Zinke, Mr. President.

Total 41

Nays: Branae, Erickson, Gallus, Kaufmann, Keane, Larsen, Moss, Wanzenried, Williams.

Total 9

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 187 - Senator Shockley moved **SB 187**, as amended, do pass. Motion carried as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Jackson, Jent, Jones, Lake, Lewis, Moore, Olson, Priest, Ripley, Shockley, Sonju, Tutvedt, Vincent, Vuckovich, Walker, Windy Boy, Wittich, Zinke, Mr. President.

Total 27

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Kaufmann, Keane, Larsen, Moss, Mowbray, Murphy, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams.

Total 23

Absent or not voting: None.

Total 0

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Excused: None.

Total 0

Senator Gallus excused at this time.

SB 359 - Senator Caferro moved **SB 359** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Buttrey, Caferro, Erickson, Facey, Gillan, Hamlett, Hawks, Jent, Jones, Kaufmann, Keane, Larsen, Moss, Olson, Priest, Ripley, Shockley, Sonju, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke.

Total 33

Nays: Balyeat, Brown, Essmann, Hinkle, Hutton, Jackson, Lake, Lewis, Moore, Mowbray, Murphy, Steinbeisser, Tutvedt, Walker, Wittich, Mr. President.

Total 16

Absent or not voting: None.

Total 0

Excused: Gallus.

Total 1

SB 390 - Senator Jones moved **SB 390** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Williams, Wittich, Zinke, Mr. President.

Total 42

Nays: Erickson, Facey, Jent, Kaufmann, Moss, Van Dyk, Windy Boy.

Total 7

Absent or not voting: None.

Total 0

Excused: Gallus.

Total 1

Senator Gallus present at this time.

SB 400 - Senator Vincent moved **SB 400** do pass. Motion carried as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gallus, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Zinke, Mr. President.

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Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gillan, Hamlett, Hawks, Jent, Kaufmann, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich.

Total 22

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 411 - Senator Erickson moved **SB 411** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 39

Nays: Balyeat, Barrett, Brenden, Hinkle, Hutton, Ripley, Shockley, Steinbeisser, Vincent, Walker, Wittich.

Total 11

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 412 - Senator Augare moved **SB 412** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 45

Nays: Barrett, Brenden, Hinkle, Walker, Wittich.

Total 5

Absent or not voting: None.

Total 0

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Excused: None.

Total 0

SB 415 - Senator Lake moved **SB 415** do pass.

SB 415 - Senator Lake moved **SB 415**, second reading copy, be amended as follows:

1. Page 1, line 16.

Strike: "severance, ad valorem, or conservation taxes or"

Amendment adopted as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke.

Total 49

Nays: Mr. President.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 415 - Senator Lake moved **SB 415**, as amended, do pass. Motion carried as follows:

Yeas: Arthun, Balyeat, Barrett, Brown, Buttrey, Essmann, Gallus, Hamlett, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.

Total 31

Nays: Augare, Blewett, Branae, Brenden, Caferro, Erickson, Facey, Gillan, Hawks, Kaufmann, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.

Total 19

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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SB 415 - Senator Essmann moved consideration of **SB 423** be moved to the next board.
Motion carried.

SB 417 - Senator Buttrey moved consideration of **SB 417** be placed at the bottom of the second reading board Motion carried.

SB 420 - Senator Gallus moved **SB 420** do pass. Motion carried as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: Balyeat, Moore.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 424 - Senator Williams moved **SB 424** do pass. Motion carried as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 46

Nays: Balyeat, Hinkle, Walker, Wittich.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 397 - Senator Kaufmann moved consideration of **SB 397** be moved to the second board.
Motion carried.

SB 417 - Senator Buttrey moved **SB 417** do pass. Motion carried as follows:
Yeas: Augare, Blewett, Branae, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett,

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Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moss, Murphy, Olson, Shockley, Sonju, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke.

Total 34

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Essmann, Hinkle, Moore, Mowbray, Priest, Ripley, Steinbeisser, Tutvedt, Walker, Wittich, Mr. President.

Total 16

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Essmann moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Sonju moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Wittich, Zinke, Mr. President.

Total 49

Nays: Windy Boy.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

MOTIONS

Senator Caferro moved to change her vote on **SB 415** from Yes to No. Without objection, so ordered.

Senator Larsen moved to change his vote on **SB 406** from Yes to No. Without objection, so ordered.

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Senator Erickson moved to change his vote on **SB 358** from No to Yes. Without objection, so ordered.

REPORTS OF STANDING COMMITTEES

FISH AND GAME (Brenden, Chairman): 3/29/2011
HB 172, be amended as follows:

1. Page 3, line 22.

Following: "population of"

Insert: "grizzly bears from decreasing below sustainable levels and with the intent to meet population objectives for"

2. Page 3, line 22 through line 23.

Strike: "from" on line 22 through "87-1-323" on line 23

And, as amended, be concurred in. Report adopted.

HB 272, be concurred in. Report adopted.

HB 361, be amended as follows:

1. Page 2, line 9 through line 12.

Strike: subsection (i) in its entirety

Insert: "(i) unless the elk population for a hunting district falls below 85% of the objective level determined according to 87-1-323(1), may not:

(i) limit or reduce the number of archery-only elk permits available in a hunting district from the number issued for that district in 2007 and shall issue those permits in the same manner in which they were issued in 2007; or

(ii) implement limited-entry archery-only elk permits in a district in which archery-only elk permits were not required in 2007."

And, as amended, be concurred in. Report adopted.

NATURAL RESOURCES (Barrett, Chairman): 3/29/2011
SJR 21, do pass. Report adopted.

Senator Essmann moved the Senate recess until 4:00 p.m. Motion carried.

Senate in recess.

Senate reconvened.

Senator Williams announced the Democrats would caucus.

Senator Essmann announced the Republicans would caucus.

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Senate in recess.

Senate reconvened.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Steinbeisser, Chairman): 3/29/2011
HB 133, be amended as follows:

1. Page 1, line 14.

Following: "(1)"

Insert: "(a)"

2. Page 1, line 16 and 17.

Following: "board shall"

Insert: "attempt informal resolution"

Strike: "notify the" on line 16 through "mail" on line 17

Following: "noxious weeds"

Insert: "by notifying the landowner by mail or telephone."

Strike: "and the"

Insert: "If the situation is not resolved after the initial mail or telephone contact, the"

3. Page 1, line 18.

Following: "land"

Insert: "by sending the request by certified mail at least 10 days after the initial contact is attempted"

Following: "~~The~~"

Insert: "(b)"

4. Page 1, line 20.

Following: "10 DAYS."

Insert: "(c)"

5. Page 1, line 23.

Strike: "7"

Insert: "10"

6. Page 1, line 24.

Strike: "3"

Insert: "10"

Strike: "NOTIFYING the landowner"

Insert: "sending a certified letter to the address listed on the tax records for the property or the agent of service"

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7. Page 1, line 25.

Strike: "contact or" through "landowner"

Insert: "determine the owner of the property or the landowner objects to the inspection"

8. Page 1, line 28.

Following: "(2) (a)"

Insert: "(i)"

9. Page 1, line 30.

Following: "by"

Insert: "certified"

10. Page 2, line 2.

Following: "management program."

Insert: "(ii) The notice must contain the language specified in this section."

Strike: "The"

Insert: "(iii) If ownership of the land is in question or the board believes it is advisable, the"

11. Page 2, line 9 through line 10.

Following: "board"

Insert: "of county commissioners"

Strike: "to"

Following: "penalty"

Strike: "equal to" on line 9 through "found" on line 20

12. Page 2, line 11.

Following: "penalty"

Insert: "as established by the board following a public hearing after providing notice as required in 7-1-2121"

13. Page 2, line 12.

Following: "(C)"

Insert: "(i)"

14. Page 2, line 13 through line 14.

Following: "A HEARING"

Strike: "IN COURT"

Insert: "before the board"

15. Page 2.

Following: line 15

Insert: "(ii) If the landowner's objection to the board's action remains after the hearing, the landowner has 10 days to appeal the board's decision to the district court having jurisdiction in the county in which the property is located."

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16. Page 2, line 18.

Following: "FROM THE"

Insert: "board or the"

17. Page 2, line 20.

Strike: "month" in both places

Insert: "year" in both places

18. Page 3, line 3.

Insert: "(5)If a court issues an order approving a board's actions, the court retains jurisdiction over the matter:

(a) until the actions specified in the weed management plan or court order are complete;

(b) for the length of time specified in the order; or

(c) for 5 years if the order does not specify a time limit.

(6) The department shall provide boards with a uniform notification form that must be used when notifying landowners of potential noncompliance with this part. The form must:

(a) list the noxious weeds found on the property;

(b) provide the legal description of the property;

(c) provide the address of the property, if available;

(d) state the fact that the presence of the weeds violates state law and that the landowner has 10 days after mailing of the notice to contact the board or its agent;

(e) provide the address and phone number for the board or its agent;

(f) notify the landowner of the landowner's:

(i) responsibility to submit a weed management proposal; and (ii) right to request a hearing to contest the finding of noncompliance, including the timeframe for making the request; and

(g) specify the actions the board may take if the landowner fails to remove the weeds, including but not limited to the anticipated costs of destroying the weeds, the 25% penalty allowed under 7-22-2124, and the board's intent to file a court action to impose a civil fine that may become a lien upon the property.

19. Page 3, line 5 through 7.

Following: "(1) (a)" on line 5

Strike: "If the" on line 5 through "7-22-2123(3), the" on line 7

Insert: "The" on line 7

20. Page 3, line 9.

Strike: "(1)(b)(iii)"

Insert: "(1)(c)(iii), if:

(i) the landowner or the landowner's representative does not take corrective action within the time specified in 7-22-2123(2);

(ii) a proposal is not made and accepted as provided in 7-22-2123(3); and

(iii) the board does not receive a formal objection or a request for a hearing"

Following: "."

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Insert: "(b)"

21. Page 3, line 12.

Strike: "(b)"

Insert: "(c)"

Following: "After"

Insert: "taking action pursuant to subsection (1)(a) or "

22. Page 3, line 13 through line 15.

Strike: ", itemizing hours" on line 13 through "(1)(b)(iii), together with" on line 15

Insert: "that covers the costs of the weed control measures and contains"

23. Page 3, line 17.

Following: "~~7-22-2123~~."

Insert: "The bill must itemize the hours of labor, cost of material, equipment time, legal fees, and court costs or provide an invoice from a commercial applicator if the board contracted for weed control pursuant to subsection (1)(c)(iii)."

24. Page 3, line 21.

Following: "in the district."

Insert: "The bill must reflect actual legal fees and court costs incurred by the board."

25. Page 4, line 18 through line 22.

Strike: subsection (2) in its entirety

Renumber: subsequent subsection

26. Page 4, line 24.

Strike: "all of"

Insert: "the infested parcel of"

And, as amended, be concurred in. Report adopted.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Sonju in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 397 - Senator Kaufmann moved **SB 397** do pass.

Senator Gallus disclosed that his spouse is the current Commissioner of Political Practices.

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SB 397 - Senator Kaufmann moved **SB 397**, second reading copy, be amended as follows:

1. Title, page 1, line 6.

Strike: "CAMPAIGN ADVERTISING"

Insert: "ELECTION MATERIAL"

2. Title, page 1, line 8.

Strike: "SECTIONS 2-2-121, 13-1-101,"

Insert: "SECTION"

Strike: "AND 13-37-226,"

3. Page 1, line 12.

Strike: "CAMPAIGN ADVERTISING"

Insert: "materials"

4. Page 1, line 14.

Strike: "CAMPAIGN ADVERTISING VIOLATES"

Insert: "election materials violate"

5. Page 1, line 15.

Strike: "\$100" through "in"

Insert: "up to \$300 for each order of noncompliance for"

6. Page 1, line 16.

Strike: "CAMPAIGN ADVERTISING"

Insert: "election material"

Strike: "an"

Insert: "the"

7. Page 1, line 17.

Strike: ", up to a maximum penalty of \$2,500"

8. Page 1, line 24 through line 25.

Strike: subsection (3) in its entirety

Insert: "(3) If the outcome of the informal contested case hearing described in subsection (2) is not acceptable to the person subject to an order of noncompliance issued under 13-35-225(6), the person may pursue judicial review as authorized in 13-37-122."

9. Page 1, line 30 through page 8, line 25.

Strike: section 2 and section 3 in their entirety

Renumber: subsequent sections

10. Page 8, line 28.

Strike: "CAMPAIGN ADVERTISING"

Insert: "Election materials"

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11. Page 8, line 30.

Strike: "CAMPAIGN ADVERTISING"

Insert: "All communications expressly advocating the success or defeat of a candidate, political party, or ballot issue"

12. Page 9, line 3 through line 4.

Strike: "CAMPAIGN ADVERTISING"

Insert: "communication"

13. Page 9, line 5.

Strike: "CAMPAIGN ADVERTISING"

Insert: "election material"

14. Page 9, line 8.

Strike: "CAMPAIGN ADVERTISING"

Insert: "election material"

15. Page 9, line 11.

Strike: "CAMPAIGN ADVERTISING"

Insert: "Communications"

16. Page 9, line 14.

Strike: "CAMPAIGN ADVERTISING"

Insert: "Printed election material"

17. Page 9, line 22.

Strike: "CAMPAIGN ADVERTISING"

Insert: "election material"

18. Page 9, line 24.

Strike: "CAMPAIGN ADVERTISING"

Insert: "communication"

19. Page 9, line 25.

Strike: "CAMPAIGN ADVERTISING"

Insert: "election material"

20. Page 9, line 27.

Following: "~~the material~~"

Insert: "the material"

21. Page 9, line 28.

Strike: "CAMPAIGN ADVERTISING"

Insert: "communication"

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22. Page 10, line 1.

Following: "~~the material~~"

Insert: "the material"

23. Page 10, line 2.

Strike: "CAMPAIGN ADVERTISING"

Insert: "communication"

24. Page 10, line 5.

Strike: "CAMPAIGN ADVERTISING"

Insert: "material"

25. Page 10, line 6.

Strike: "CAMPAIGN ADVERTISING"

Insert: "communication"

26. Page 10, line 8.

Strike: "CAMPAIGN ADVERTISING"

Insert: "election material"

27. Page 10, line 9.

Strike: "CAMPAIGN ADVERTISING"

Insert: "material"

28. Page 10, line 10.

Strike: ", AS DEFINED BY RULE,"

Strike: "CAMPAIGN ADVERTISING"

Insert: "material"

29. Page 10, line 11.

Strike: "CAMPAIGN ADVERTISING"

Insert: "material"

30. Page 10, line 15 through page 12, line 12.

Strike: section 5 in its entirety

Renumber: subsequent sections

Amendment adopted as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 50

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Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 397 - Senator Kaufmann moved **SB 397**, as amended, do pass. Motion carried as follows:

Yeas: Arthun, Augare, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moss, Mowbray, Ripley, Shockley, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 34

Nays: Balyeat, Barrett, Brenden, Hinkle, Hutton, Jackson, Lake, Moore, Murphy, Olson, Priest, Sonju, Steinbeisser, Vincent, Walker, Wittich.

Total 16

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 423 - Senator Essmann moved consideration of **SB 423** be passed for the day. Motion carried.

SB 214 - Senator Gillan moved **SB 214** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moss, Mowbray, Murphy, Olson, Ripley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 39

Nays: Balyeat, Hinkle, Jackson, Lake, Moore, Priest, Shockley, Sonju, Vincent, Walker, Wittich.

Total 11

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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SB 265 - Senator Hamlett moved **SB 265** do pass.

SB 265 - Senator Hamlett moved **SB 265**, second reading copy, be amended as follows:

1. Title, page 1, line 5.

Strike: "RESIDENTIAL GRAY WATER SYSTEMS AND"

2. Page 1, line 13.

Strike: "4"

Insert: "3"

3. Page 2, line 5 through line 17.

Strike: section 2 in its entirety

Renumber: subsequent sections

4. Page 2, line 21.

Strike: "70%"

Insert: "91%"

5. Page 3, line 8.

Strike: "or 3"

6. Page 3, line 9.

Strike: "gray water system under [section 2] or"

7. Page 3, line 10.

Strike: "3"

Insert: "2"

8. Page 3, line 11.

Strike: "or section 3"

9. Page 3, line 14.

Strike: "4"

Insert: "3"

10. Page 3, line 16.

Strike: "4"

Insert: "3"

11. Page 3, line 20.

Strike: "residential dwellings and"

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Amendment adopted as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 265 - Senator Hamlett moved **SB 265**, as amended, do pass. Motion carried as follows:

Yeas: Augare, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jackson, Jent, Kaufmann, Keane, Larsen, Moss, Murphy, Olson, Shockley, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke.

Total 31

Nays: Arthun, Balyeat, Brenden, Essmann, Hinkle, Hutton, Jones, Lake, Lewis, Moore, Mowbray, Priest, Ripley, Sonju, Steinbeisser, Tutvedt, Walker, Wittich, Mr. President.

Total 19

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 326 - Senator Larsen moved **SB 326** do pass. Motion carried as follows:

Yeas: Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 40

Nays: Arthun, Balyeat, Essmann, Hinkle, Lake, Sonju, Tutvedt, Vincent, Walker, Wittich.

Total 10

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Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 331 - Senator Jent moved **SB 331** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 43

Nays: Brenden, Hinkle, Priest, Sonju, Tutvedt, Walker, Wittich.

Total 7

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 414 - Senator Vincent moved **SB 414** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Brenden, Brown, Buttrey, Caferro, Essmann, Hamlett, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Olson, Priest, Ripley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.

Total 30

Nays: Blewett, Branae, Erickson, Facey, Gallus, Gillan, Hawks, Jent, Kaufmann, Larsen, Moss, Murphy, Shockley, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.

Total 20

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 418 - Senator Wittich moved **SB 418** do pass. Motion carried as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Mr. President.

Total 27

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Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke.

Total 23

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 421 - Senator Shockley moved **SB 421** do pass. Motion carried as follows:

Yeas: Augare, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moss, Mowbray, Murphy, Shockley, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 41

Nays: Arthun, Balyeat, Brenden, Moore, Olson, Priest, Ripley, Steinbeisser, Walker.

Total 9

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 426 - Senator Balyeat moved **SB 426** do pass. Motion carried as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.

Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.

Total 22

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 429 - Senator Wittich moved **SB 429** do pass.

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Senator Gillan requested a ruling from the Chair regarding the phrase "authorizing a reinstatement fee" and suggested **SB 429** should have a fiscal note. The Chair ruled the hearing could continue.

Senator Williams objected to the Chair's ruling. The Chair noted the objection.

Senator Gallus rose on a point of order regarding the order in which the Chair recognized Senators.

SB 429 - Senator J. Peterson made a **substitute motion** that consideration of **SB 429** be passed for the day. Motion carried as follows:

Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 39

Nays: Balyeat, Buttrey, Gallus, Hinkle, Hutton, Jackson, Mowbray, Steinbeisser, Vincent, Walker, Wittich.

Total 11

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Gallus moved to reconsider the previous action. Motion **failed** as follows:

Yeas: Balyeat, Blewett, Buttrey, Gallus, Hamlett, Hinkle, Jackson, Larsen, Moore, Mowbray, Murphy, Priest, Ripley, Shockley, Steinbeisser, Walker, Wanzenried, Wittich.

Total 18

Nays: Arthun, Augare, Barrett, Branae, Brenden, Brown, Caferro, Erickson, Essmann, Facey, Gillan, Hawks, Hutton, Jent, Jones, Kaufmann, Keane, Lake, Lewis, Moss, Olson, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Williams, Windy Boy, Zinke, Mr. President.

Total 32

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Sonju moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Brenden, Brown, Buttrey, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Wittich, Zinke, Mr. President.

Total 34

Nays: Blewett, Branae, Caferro, Hawks, Jent, Kaufmann, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Windy Boy.

Total 16

Absent or not voting: None.

Total 0

Excused: None.

Total 0

FIRST READING AND COMMITMENT OF BILLS

The following Senate resolution was introduced, read first time, and referred to committee:

SR 13, introduced by Zinke, referred to Education and Cultural Resources.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 9:00 a.m., Wednesday, March 30, 2011. Motion carried.

Senate adjourned at 7:36 p.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate